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Hearing Date: July 22, 2010 at 9:30 a.m.

Reply Due: July 2, 2010

*Attorneys for E.I. du Pont de Nemours and Company
and affiliates*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	Chapter 11
	:	
DPH HOLDINGS CORP., <i>et al.</i> ,	:	Case No. 05-44481 (RDD)
	:	
-----X	:	(Jointly Administered)
	:	
DELPHI CORPORATION, <i>et. al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
DUPONT COMPANY, DUPONT CO.,	:	
DUPONT ELECTRONIC MATRLS. INC.,	:	
DUPONT P & E M CO., DUPONT POWDER	:	
COATINGS, DUPONT POWER COATINGS	:	Adv. Pro. No. 07-02242 (RDD)
USA INC., E I DUPONT DE NEMOURS,	:	
E I DUPONT DE NEMOURS & CO. INC.,	:	
and DUPONT E I DE NEMOURS INC.,	:	
	:	
Defendants.	:	
-----X	:	

**STATEMENT OF E. I. DU PONT DE NEMOURS AND COMPANY
AND ITS AFFILIATES IN SUPPORT OF CERTAIN REPLY BRIEFS FILED WITH
RESPECT TO MOTIONS (I) TO VACATE PRIOR ORDERS ESTABLISHING
PROCEDURES FOR CERTAIN ADVERSARY PROCEEDINGS, INCLUDING THOSE
COMMENCED BY THE DEBTORS UNDER 11 U.S.C. §§ 541, 544, 545, 547, 548, OR 549,
AND EXTENDING THE TIME TO SERVE PROCESS FOR SUCH ADVERSARY
PROCEEDINGS, (II) PURSUANT TO FED. R. CIV. P. 12(B)
AND FED. R. BANKR. P. 7012(B), DISMISSING THE ADVERSARY PROCEEDING
WITH PREJUDICE, OR (III) IN THE ALTERNATIVE, DISMISSING THE
ADVERSARY PROCEEDING ON THE GROUND OF JUDICIAL ESTOPPEL**

E. I. du Pont de Nemours and Company and its affiliates (collectively, “DuPont”), which previously filed that certain Amended Joinder of E. I. Du Pont de Nemours and Company and its Affiliates to Motions (I) to Vacate Prior Orders Establishing Procedures for Certain Adversary Proceedings, Including Those Commenced by the Debtors Under 11 U.S.C. §§541, 544, 545, 547, 548 or 549, and Extending the Time to Serve Process for Such Adversary Proceedings, (II) Pursuant to Fed. R. Civ. P. 12(B) and Fed. R. Bankr. P. 7012(B), Dismissing the Adversary Proceeding with Prejudice, or (III) in the Alternative, Dismissing the Adversary Proceeding on the Grounds of Judicial Estoppel, dated May 13, 2010 (Docket No. 20063¹) (the “Dupont Joinder”), by its undersigned attorneys, supports and adopts, with respect to the Dupont Joinder, the arguments set forth in the following reply briefs filed in this bankruptcy case:

- (i) Reply of HP Enterprise Services, LLC and Affiliates in Support of Their Motion for an Order Dismissing the Complaint with Prejudice, and Vacating Certain Prior Order Pursuant to Fed. R. Civ P. 60 and Fed. R. Bankr. P. 9024, dated July 2, 2010;
- (ii) Reply of Wagner-Smith Company to Reorganized Debtors’ Omnibus Response to Motions Seeking, Among Other Forms of Relief, Orders to Vacate Certain Procedural Orders Previously Entered by This Court and to Dismiss the Avoidance Actions Against the Moving Defendants, dated July 2, 2010 (Docket No. 20306);
- (iii) Reply Memorandum of Law in Support of Motions of Affinia, GKN, MSX and Valeo to: (A) Vacate Certain Prior Orders of the Court; (B) Dismiss the Complaint with Prejudice; (C) and Dismiss the Claims Against Certain Defendants Named in the Complaint; and (D) Dismiss Claims Based on Assumption of Contracts; or (E) in the Alternative to Require Plaintiffs to File a More Definite Statement, dated July 2, 2010 (Docket No. 20304); and
- (iv) Reply and Joinder in Further Support of Motion of Johnson Controls, Johnson Controls Battery Group, Johnson Controls GMBH & Co. KG and Johnson Controls, Inc. to: (A) Vacate Certain Prior Orders of the Court; (B) Dismiss the Complaint with Prejudice; or (C) in the Alternative, to Dismiss the Claims Against Certain Defendants Named in the Complaint and to Require Plaintiffs to

¹ Each docket number set forth herein relates to the main bankruptcy case (05-44481). In many cases, the pleadings described herein were also filed in the corresponding adversary proceeding for each movant.

File a More Definite Statement, dated July 1, 2010(Docket No. 20298)
(collectively, the "Reply Briefs").

WHEREFORE, for all the reasons set forth in the Motions, the Dupont Joinder and the Reply Briefs, DuPont respectfully requests that: (i) each of the Preservation of Estate Claims Procedures Order, the Extension of Avoidance Action Service Deadline Order, the Postconfirmation Extension of Avoidance Action Service Deadline Order, and the Supplemental Postconfirmation Extension of Avoidance Action Service Deadline Order be vacated as against it; (ii) the Complaint initiating the above-captioned adversary proceeding ("Complaint") be dismissed with prejudice for failing to state a claim upon which relief can be granted; or (iii) in the alternative, the Complaint be dismissed with prejudice as being barred by judicial estoppel; and (iv) for such other and further relief as this Court may deem appropriate.

Dated: New York, New York
July 2, 2010

PHILLIPS LYTTLE LLP

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